

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) RANDY BLAKE PATTERSON,)
)
)
Plaintiff,)
v.)
) Case No. CIV-2015-1204-HE
(1) NATIONAL BOARD OF MEDICAL)
EXAMINERS,)
)
Defendant.)

**DEFENDANT'S NOTICE OF INTENTION TO
REQUEST PRODUCTION OF DOCUMENTS FROM THE
NATIONAL RESIDENT MATCHING PROGRAM**

Pursuant to Fed.R.Civ.P. 45 and L.Cv.R. 45.1(a), Defendant, National Board of Medical Examiners (“NBME”), hereby gives Notice of its intent to serve the attached Subpoena, requesting the production of documents, on the National Resident Matching Program, 2121 K Street, NW, Suite 1000, Washington, DC, 20037.

DATE: May 3, 2016

Respectfully Submitted,

/s/ Jack S. Dawson
Jack S. Dawson, OBA No. 2235
Amy L. Alden, OBA No. 16978
Andrea R. Rust, OBA No. 30422
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*Attorneys for Defendant,
National Board of Medical Examiners*

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May, 2016, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based upon the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Steven E. Clark, OBA No. 1712
Heather Mitchell, OBA No. 14035
CLARK & MITCHELL, P.C.
101 Park Avenue, Suite 210
Oklahoma City, OK 73102
Telephone: (405) 235-8488
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Attorneys for Plaintiff

/s/ Jack S. Dawson

UNITED STATES DISTRICT COURT
for the
Western District of Oklahoma

RANDY BLAKE PATTERSON

Plaintiff

v.

NATIONAL BOARD OF MEDICAL EXAMINERS

Defendant

)
)
)
Civil Action No. CIV-2015-1204-HE

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: NATIONAL RESIDENT MATCHING PROGRAM
2121 K Street, NW, Suite 1000, Washington, DC 20037

(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

SEE EXHIBIT A, attached hereto and incorporated herein by reference

Place: CLICKS, 1120 Connecticut Avenue, NW, Suite B-100
Washington, DC 20036 OR to MILLER DOLLARHIDE,
P.C. at the below mailing address or email addresses

Date and Time:

05/24/2016 by 3 p.m.

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/03/2016

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (*name of party*) _____

Defendant, National Board of Medical Examiners _____, who issues or requests this subpoena, are:

Jack S. Dawson, Esq., Amy L. Alden, Esq., and Andrea R. Rust, Esq., 210 Park Avenue, Suite 2550, Oklahoma City, OK 73102; (405) 236-8541; jdawson@millerdollarhide.com; aalden@millerdollarhide.com; arust@millerdollarhide.com

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

EXHIBIT A

I. Instructions and Definitions

1. The terms “NRMP”, “you”, and “your” shall mean the National Residency Match Program and any of their agents, representatives, employees and/or assigns.
2. The term “Dr. Patterson” shall refer to Randy Blake Patterson, NRMP ID #N0213572, AAMC ID #12892037.
3. The terms “and” and “or” shall each refer to “and/or,” whichever use makes the request most inclusive.
4. The term “communication” shall mean any transmission of information from one person or persons to another person or persons, regardless of the medium by which such communication occurred, including by way of example, emails.
5. The term “document” or “documents” shall be construed in the most comprehensive and inclusive sense permitted by the Federal Rules of Civil Procedure and includes but is not limited to, every writing or record of every type and description that is in the possession, custody or control of you, including but not limited to correspondence (interoffice, intra-office or otherwise), communications, letters, memoranda, notices, confirmations, summaries or records of conversations, voice and sound recordings, films, electronic mail, computer data and any other form of electronic, magnetic, or computerized media, telephone recordings and transcriptions, photographs, notebooks, summaries or reports of physicians or consultants, pamphlets, notes from telephone conversations, agreements, reports, memoranda, studies, summaries, minutes, notes, instructions, manuals, any marginal comments or post-it notes appearing on any documents, and all other written, printed, computerized, computer-stored or maintained, or typed information of any nature whatsoever.
6. Included in the definition of “document” or “documents” as used herein are files, file folders, electronic files, electronic file folders, and any other computerized, computer-stored or maintained files or file folders. Accordingly, produce files and file folders together with the documents they contain.
7. The term “concerning,” “relating to,” “reflecting,” and “referring to” shall mean constituting, evidencing, mentioning, describing, pertaining to, responding to, used or relied upon in preparation of or in conjunction with, or being connected in any way, either directly or indirectly.
8. For purposes of these requests, the use of the singular shall be construed as the use of

the plural and *vice versa*; “any” includes “all” and *vice versa*; “each” includes “every” and *vice versa*; and the masculine includes the feminine and *vice versa*.

II. Requests to Produce Documents

1. Please produce copies of all certified rank order lists and all preference lists submitted or related to Dr. Patterson.
2. Please produce copies of all certified rank order lists submitted by any program that included Dr. Patterson on said lists.
3. Please produce copies of all documents and communications concerning or relating to any registration materials submitted by Dr. Patterson to participate in any residency or fellowship Match.
4. Please produce copies of all documents and communications concerning or relating to any registration materials submitted by Dr. Patterson to participate in the Supplemental Offer and Acceptancy Program (“SOAP”).
5. Please produces copies of all documents and communications between NRMP and Dr. Patterson or anyone acting on Dr. Patterson’s behalf.
6. Please produce copies of all documents and communications between NRMP and any residency or fellowship program regarding Dr. Patterson.
7. Please produce copies of all Match participation agreements executed by Dr. Patterson.
8. Please produce copies of all documents submitted by Dr. Patterson in support of or in connection with his participation in any Match or any SOAP, including his ERAS applications, credentials, personal statements, and any and all ranking preferences.
9. Please produce copies of all documents and communications reflecting any withdrawal by NRMP of Dr. Patterson from participation in any Match.
10. Please produce copies of all documents and communications concerning or relating to any request by Dr. Patterson for a waiver of Match results or a deferral of a Match commitment submitted by Dr. Patterson or by any residency program or institution regarding Dr. Patterson.
11. Please produce copies of all documents and communications concerning or relating to any binding commitment by Dr. Patterson relating to his participation in any Match

or any SOAP.

12. Please produce copies of all documents and communications concerning or relating to any Match violations involving Dr. Patterson, if any.
13. Please produce copies of all documents and communications concerning or relating to any fees paid by Dr. Patterson in connection with his participation in any Match or any SOAP.
14. Please produce copies of all documents and communications concerning or relating to any interview or appointment between Dr. Patterson and any residency or fellowship program or institution.

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Defendant.)

DECLARATION OF AUTHENTICITY

I (name) _____, hereby declare that I am the (title) _____, for the National Resident Matching Program (“NRMP”), and that, in that position, I am duly authorized and qualified to make the declarations contained herein.

1. NRMP has produced copies of the following records (the “Records”) in response to a third-party Subpoena that NRMP received in connection with the above-captioned lawsuit:

(Attach additional pages if necessary)

2. The copies of the Records that NRMP has produced in response to the Subpoena constitute full, complete, true and correct copies of the Records as maintained by NRMP.

3. The Records were prepared by NRMP in the regular course of business at or near the time of the acts, conditions, events or occurrences described in the Records by a person with knowledge or based upon information transmitted by persons knowledgeable of those matters.
4. The Records were kept in the course of NRMP's regularly conducted business activities.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this _____ day of _____, at (City) _____,
(State) _____.

By: _____
(Signature)

(Printed Name)

Title: _____